

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 13-27 are pending. Claims 1-12 and 22 were canceled previously. Claims 23 and 27 are withdrawn. Claims 13 and 23 are amended. Claims 26 and 27 are newly added. Support for the amendments to Claims 13 and 23 can be found in Fig. 3, for example. Support for newly added Claims 26 and 27 can be found in Figs. 1 and 3, for example. Further support for the amendments to Claims 13 and 23 and for new Claims 26 and 27 can be found in Fig. 5B, for example. No new matter is added.

In the outstanding Office Action, the drawings were objected to as not showing all of the features of Claims 13 and 24. The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 13, 24, and 25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 13, 24, and 25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 13, 14, 16-22, 24, and 25 were rejected under 35 U.S.C. § 103(a) as obvious over Ohnishi et al. (U.S. Patent No. 5,934,575, herein "Ohnishi") in view of Background Art in the specification. Claim 15 was rejected under 35 U.S.C. § 103(a) as obvious over Ohnishi, the Background Art, and Inui (Japanese Patent No. JP 2000-140675, herein "JP '675").

Regarding the objection to the drawings and specification and the rejections under 35 U.S.C. § 112, first paragraph, Applicants note that a Response was filed on December 14, 2009, addressing these issues. In combination with the previous response, Applicants respectfully submit that the present response fully addresses the issues set forth in the rejection dated September 14, 2009, and the Advisory Action dated January 5, 2010.

The Advisory Action indicates that the objection to the specification and the rejections under 35 U.S.C. § 112, first paragraph have been withdrawn. However, the Advisory Action indicates that the rejections of Claims 13, 14, 16-22, 24, and 25 are maintained.

Independent Claim 13 recites, in part:

wherein the impact member is a cylindrical member of which a bottom is in a form of a part of a true circle or an oval, wherein the cylindrical member comprises an impact side on a curved side, and the impact side faces toward an inlet of the venturi nozzle,

wherein an axis of the cylindrical member is disposed at a non-zero angle relative to a longitudinal axis of the venturi nozzle, and

wherein the axis of the cylindrical member intersects the part of the true circle or the oval.

Thus, Claim 13 recites that the axis of the cylindrical member is disposed at a non-zero angle relative to the axis of the venturi nozzle. Claim 13 is further amended to recite that the axis of the cylindrical member intersects the part of the true circle or the oval. Thus, the axis of the cylindrical member is further defined by the amendment to Claim 13.

The Advisory Action includes an annotated figure with a line drawn by the Examiner to indicate that the impact member of Ohnishi may include an axis as recited in Claim 13. While Applicants disagree that the arbitrary line added to the figure from Ohnishi by the examiner qualifies as an axis of a cylindrical member, Claim 13 now also recites that the axis of the cylindrical member intersects the part of the true circle or oval forming the bottom of the cylindrical member. Applicants respectfully submit none of the lines drawn on the figure by the Examiner in the Advisory Action both 1) intersects the bottom of the cylindrical member which is in the form of a part of a true circle or oval, and 2) is disposed at a non-zero angle relative to a longitudinal axis of the venturi nozzle.

In contrast to the above-noted features recited in amended Claim 13, as discussed in the previous response, Ohnishi, as shown in Fig. 2, describes a conical member used as a

projected central area (17). The axis of the conical member is **parallel** to a longitudinal axis of the venturi nozzle. Thus, the axis of the conical member does not qualify as the axis of the cylindrical member is disposed at a non-zero angle relative to a longitudinal axis of the venturi nozzle recited in amended independent Claim 13.

Additionally, Ohnishi derives a specific benefit from this arrangement, and the angles α and β are recited in claim 1 of Ohnishi. Thus, modifying Ohnishi to include an axis of a cylindrical member at a non-zero angle with respect to an axis of the venturi nozzle as recited in Claim 13, wherein the axis of the cylindrical member intersects a circular or oval bottom of the impact member, would render Ohnishi unsuitable for its intended use.

The Background Art section of the present application fails to remedy the deficiencies discussed above regarding Ohnishi. Rather, the Background Art section does not identify the orientation of the conical or spherical shapes it discusses.

As for the assertion in the outstanding Office Action that certain features merely represent design choice, Applicants respectfully submit that the specific arrangement recited in amended independent Claim 13 provides a benefit inasmuch as fewer particles with too fine a consistency accumulate on an impact member with the above-noted arrangement than with other arrangements. For example, see numbered paragraph [0065] of the published application. Thus, as this arrangement **affects** the operation of the claimed device, the arrangement is not a matter of design choice.

JP '675 fails to remedy the deficiencies discussed above regarding Ohnishi and the Background Art inasmuch as, like Ohnishi, JP '675 describes a conical member with an axis parallel to the axis of the nozzle. Accordingly, no reasonable combination of the cited references would include all of the features recited in amended independent Claim 13 or any of the claims dependent therefrom.

Applicants wish to make the following additional remarks regarding dependent Claim 25, which recites that the axis of the cylindrical member is horizontal. In other words, the axis of the cylindrical member is level.

As discussed in the comparison in the specification regarding Figs. 5a and 5b, the orientation of the axis of the cylindrical member recited in dependent Claim 25 provides a specific benefit, and the cited references are silent regarding such an orientation. Accordingly, Applicants respectfully submit that dependent Claim 25 further patentably distinguishes over any proper combination of the cited references.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for Claims 13-21 and 24-27 is earnestly solicited.

As Claim 23 recites substantially similar features to those recited in Claim 13, and Applicants respectfully submit that Claim 23 should be rejoined in the event Claim 13 is found allowable.

Should Examiner Francis deem that any further action is necessary to place this application in even better form for allowance, she is encouraged to contact Applicants' representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Richard L. Chinn, Ph.D.
Attorney of Record
Registration No. 34,305

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Lee L. Stepina
Registration No. 56,837